THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24906 of 2007

Dated: 30.11.2007

Between:

Balaji Gogulotu & another.

... Petitioners

AND

State of Andhra Pradesh, rep., by its
Principal Secretary, Dept., of Health & Family Welfare,
Secretariat, Hyderabad and others.

... Respondents

Counsel for the petitioners : Sri M.A. Rasheed

Counsel for the respondents : Assistant Government Pleader for
Medical, Health & Family Welfare

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24906 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to give the following directions to the respondents:

> "1. Immediately provide for HIV+ testing machines in the Osmania General Hospital, Afzalgunj in order to begin the process of treatment for the petitioners.
> 2. Provide adequate and timely medicines and nutritional food and supplements to the petitioners.
> 3. Provide the petitioners adequate travel conveyances for coming from the district for HIV and related treatment.
> 4. Make adequate provision for the stay of the petitioners in the premises of the Osmania General Hospital, Afzalgunj or in the vicinity of the hospital."

On 23.11.2007, this Court directed the Superintendent of Osmania General Hospital, Hyderabad to take immediate steps for testing the petitioners for HIV and starting treatment for them. He was also directed to submit a report on the details of the treatment given to the petitioners before the next date of hearing, which was fixed for 27.11.2007. On 27.11.2007, the learned Assistant Government Pleader sought for time to get report from the Superintendent. Accordingly, time was granted up to 29.11.2007. On 29.11.2007, as no report was submitted by the Superintendent, Osmania General Hospital, this Court directed his personal appearance for today. Accordingly, Dr. Ashok Kumar,

Superintendent of the Osmania General Hospital is present and explained that due to the communication gap between him and the Government Pleader's office, he could not submit the report and he apologized for his not filing the report.

Dr. Ashok Kumar had undertaken that as and when the petitioners approach him, he will take necessary steps for testing and giving them treatment depending upon the test results.

In view of his statement, the writ petition is disposed of.

Learned counsel for the petitioner, however, stated that as the petitioners are poor, respondents may be directed to meet the expenses towards their conveyance. I am afraid, such a relief cannot be granted in this writ petition. Unless the State Government has come out with any scheme for making such a provision, this Court in a writ petition filed by two individuals in their private interest cannot grant such a relief. This submission is therefore rejected.

The writ petition is disposed of in view of the statement of Dr.Ashok Kumar recorded above.

Liberty is given to the petitioners to seek revival of the writ petition in the event the undertaking given by the Superintendent of Osmania General Hospital, Hyderabad, is not complied with.

As a sequel to disposal of the writ petition, WPMP.No.32459 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 30.11.2007
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